

A non-profit 501(c)(3) preservation organization formed to preserve, protect, and promote Jersey City's irreplaceable historic resources

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JERSEY CITY LANDMARKS CONSERVANCY, Inc.

January 22, 2009

Secretary
Surface Transportation Board
Washington, DC 20423

Victoria Rutson, Chief
Section of Environmental Analysis
Surface Transportation Board
395 E Street, SW
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Re:
Consolidated Rail Corporation –
Abandonment Exemption –
In Hudson County, NJ

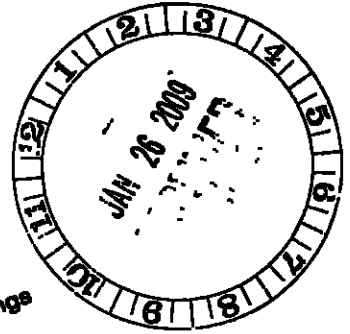
AB 167 (Sub-no. 1189X)

CSX Transportation, Inc.
Discontinuance Exemption –
In Hudson County, NJ

AB 55 (Sub-no. 686X)

Norfolk Southern Railway Co. -
Discontinuance Exemption -
In Hudson County, NJ

AB 290 (Sub-no. 306X)



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Office of Proceedings
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Reply and Request for Consulting Party Status

I am writing on behalf of the Jersey City Landmarks Conservancy, an organization founded in 1999 to preserve, protect and promote Jersey City's architectural and cultural heritage. This includes 19th century railroad structures and related buildings such as the Hudson and Manhattan Railroad Power House, which is listed the National Register of Historic places due to our efforts.

We understand that on January 6, 2009, Conrail et al filed for a "Notice of Exemption" in the cases referred to above. In addition, these entities also filed "Comments" and "Motion to Stay Effective Date of Verified Notices of Exemption and to Waive Pre-Filing Notification Requirements."

The Jersey City Landmarks Conservancy is opposed to this request for class exemption. The main reasons are: (1) The controversial nature of this case, and (2) The schedule proposed by Conrail, et al. for abandonment authorization does not conform with the requirements set forth by the National Historic Preservation Act (NHPA) sections 106 and 110 (k), 16 U.S.C. 470 f and 470 h-2(k) and the National Environmental Policy Act (NEPA) section 102, 42 U.S.C. 4332.

It is our view that Conrail et al. have engaged in anticipatory demolition of rail assets, an action which is prohibited by NHPA Section 110 (k).

The railroad property in question is the Pennsylvania Rail Road Harsimus Stem Embankment which has municipal (Jersey City) and state (New Jersey) historic designation. It is also eligible for the National Register of Historic Places. In addition, the Harsimus Stem Embankment serves as a boundary between two national historic districts, Harsimus Cove to the south and Hamilton Park to the north.

Due to the historic nature of this structure, its critical importance to neighboring historic districts and our standing as a historic preservation organization, the Jersey City Landmarks Conservancy further requests consulting party status in an NHPA Section 106 review.

Certificate of Service

I hereby certify that on January 22, I caused a copy of this correspondence to be served by first class mail on those appearing on the attached Service List.

Mike Selender

Mike Selender, for the Board of Directors

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